

OLSHAN

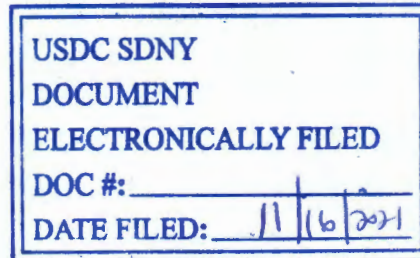
1325 AVENUE OF THE AMERICAS • NEW YORK, NEW YORK 10019  
TELEPHONE: 212.451.2300 • FACSIMILE: 212.451.2292

EMAIL: TCARMICHAEL@OLSHANLAW.COM  
DIRECT DIAL: 212.451.2291

November 3, 2021

**Via ECF**

The Honorable Colleen McMahon  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Room 1670  
New York, NY 10007-1312



Re: *Paul Rudolph Foundation v. Paul Rudolph Heritage Foundation and Ernst Wagner*, Case No.: 1:20-cv-8180-CM (SDNY)

Dear Judge McMahon

We represent Defendants Paul Rudolph Heritage Foundation and Ernst Wagner ("Defendants"), and submit, with Plaintiff Paul Rudolph Foundation, this joint request for (i) a referral to mediation before a U.S. Magistrate Judge and (ii) a stay of proceedings pending an opportunity to participate in a court-assisted mediation. The Parties have agreed to mediate in the interest of efficiency as well as taking into account the not-for-profit nature of both Parties, inclusive of the benefits inherent in the undersigned replacement counsel forgoing the need to expend resources getting fully up to speed on a dispute that all parties agree can be resolved amicably. The Parties have agreed, subject only to the Court's permission, to adjourn all discovery and motion practice pending conclusion of the mediation, whether by settlement or impasse, inclusive of a current, partially briefed dispute now pending before Judge Cave. In addition, on October 27, 2021, Defendants (with Plaintiff's consent) requested an extension of time to respond to the Second Amended Complaint (SAC) up to and including November 11, 2021 (pending further review of the SAC's alleged filing deficiency). D.E. 76. Therefore, the Parties ask that the deadline to respond to the SAC be extended until fourteen (14) days following either (a) conclusion of the requested mediation or (b) denial of the referral request (or November 11, 2021, if later). Finally, depending upon the outcome of the mediation, all of the remaining dates in this matter will be impacted. As a result, the Parties shall in good faith propose a revised case management plan promptly following the submission of a response to the SAC. Thank you for your consideration.

Respectfully submitted,  
OLSHAN FROME WOLOSKY LLP  
/s/ Tamara Carmichael  
Tamara Carmichael

11/15/2021  
cc: Counsel of Record (Via ECF)

**SO ORDERED:**